

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In re:

**Mark Timothy Davies and Denise Carol Davies**

a/k/a dba Davies Construction and Exteriors,

**Case No. 11-80046**

Denise Roberts Davies

S.S. Nos.: xxx-xx-4693 and xxx-xx-0398

Mailing Address: 514 College Drive, Raeford, NC 28376-

Debtors.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on January 10, 2011.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: January 25, 2011

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt

N.C. State Bar No. 10212

Counsel for the Debtors

6616-203 Six Forks Rd.

Raleigh, N.C. 27615

Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

# CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)

Date: 1/5/11

Lastname-SS#: Davies-4693

## RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

	Creditor Name	Sch D #	Description of Collateral
Retain	Harley Davidson	5	Codebtor pays
	Rent A Center		Contract
	Hoke County taxes	7	House & Lot
	City of Raeford Taxes	2	House & Lot

## SURRENDER COLLATERAL

Creditor Name	Description of Collateral
None	

## ARREARAGE CLAIMS

	Creditor Name	Sch D #	Arrearage Amount	(See f)
Retain				**
				**
				**
				**
				**
	Owen	8	\$3,459	**
				**

## REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral
None	None

## LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS

	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Retain	Owen	8	\$849	N/A	n/n	\$849.00	House & Lot
				N/A	n/n		
				N/A	n/n		
				N/A	n/n		

## STD - SECURED DEBTS w/ FMV

	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Retain	CitiFinancial	1		5.00			Judgment Lien
				5.00			
				5.00			
				5.00			

## STD - SECURED DEBTS w/ 100%

	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Retain	Ford Motor credit Company	3	\$9,746	5.00	\$97	\$194.04	2006 Ford Fusion
	Harley Davidson	4	\$9,525	5.00	\$95	\$189.64	2007 Harley Davidson
	Harley Davidson	6	\$5,425	5.00	\$54	\$108.01	2008 Harley Davidson
	Wells Fargo Auto Finance	9	\$20,231	5.00	\$202	\$402.80	2007 Dodge Ram 2500
				5.00			

## ATTORNEY FEE (Unpaid part)

Law Offices of John T. Orcutt, P.C. \$2,800

## SECURED TAXES

IRS Tax Liens Secured Amt

Real Property Taxes on Retained Realty \$1,131

## UNSECURED PRIORITY DEBTS

IRS Taxes \$708

State Taxes

Personal Property Taxes \$553

Alimony or Child Support Arrearage

CO-SIGN PROTECT (Pay 100%) Int. % Payoff Amt

All Co-Sign Protect Debts (See\*)

GENERAL NON-PRIORITY UNSECURED Amount\*\*

DMI= \$3,971 \$58,751

## PROPOSED CHAPTER 13 PLAN PAYMENT

\$ \$2,992 per month for 60 months, then

\$ N/A per month for N/A months.

Adequate Protection Payment Period: 0.99 months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection - Monthly 'Adequate Protection' payment amt.

f = May include up to 2 post-petition payments.

\* Co-sign protect on all debts so designated on the filed schedules.

\*\* = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD\_(DeSardi Version 1/12/10) © LOFTO

## Other Miscellaneous Provisions

Plan to allow for 3 "waivers". Interest on EAE at fed. judgment rate

## **CERTIFICATE OF SERVICE**

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s Kaelyn McCollum  
\_\_\_\_\_  
Kaelyn McCollum

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Credbursrv

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

ABC Supply Company  
301 Perimeter Point Boulevard  
Winston Salem, NC 27105-3543

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402-6140

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

Absolute Collection Service  
421 Fayetteville Street Mall  
Suite 600  
Raleigh, NC 27601

Crown Ford  
256 Swain Street  
Fayetteville, NC 28303

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

Aegis Mortgage  
9990 Richmond Avenue  
#400  
Houston, TX 77042

Mark D. Davies  
1697 Calloway Road  
Raeford, NC 28376

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Capital One  
Post Office Box 30285  
Salt Lake City, UT 84130-0285

ECMC  
Post Office Box 419035  
Rancho Cordova, CA 95741-9035

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Capital One  
Post Office Box 85167  
Richmond, VA 23285-5167

Firsthealth of the Carolinas  
c/o Moore Regional Hospital  
Post Office Box 3000  
Pinehurst, NC 28374-3000

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Citi  
Post Office Box 653095  
Dallas, TX 75265

Firstpoint Collection Resources In  
Post Office Box 26140  
Greensboro, NC 27402-6140

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

CitiFinancial  
Attn: Managing Agent  
5075 Morganton Road  
Suite 9B  
Fayetteville, NC 28314

Ford Motor Credit Company  
Attn: Managing Agent  
Post Office Box 689007  
Franklin, TN 37068-9007

Internal Revenue Service (ED)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

City of Raeford Tax Collector  
315 North Main Street  
Raeford, NC 28376

GE Money Bank  
Bankruptcy Dept.  
Post Office Box 103104  
Roswell, GA 30076-3104

Harley Davidson Credit  
Attn: Managing Agent  
Post Office Box 22048  
Carson City, NV 89721-2048

NCO Financial Systems Inc.  
Post Office Box 12100  
Trenton, NJ 08650

Pinehurst Dermatology, PA  
185 Page Road  
Suite A  
Pinehurst Medical Center  
Pinehurst, NC 28374

Harley-Davidson Credit  
Attn: Managing Agent  
Post Office Box 22048  
Carson City, NV 89721-2048

Norandex Building Materials  
178 East Mountain Drive  
Fayetteville, NC 28306

Rent A Center  
191 Glensford Drive  
Fayetteville, NC 28314

Hoke County Tax Collector  
Post Office Box 217  
Raeford, NC 28376-0217

North Carolina Department of Revenue  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

Sallie Mae  
Post Office Box 9500  
Wilkes Barre, PA 18773-9500

HomeQSR  
Post Office Box 13716  
Sacramento, CA 95853

North Carolina Dept of Revenue  
Post Office Box 1168  
Raleigh, NC 27602-1168

Sandhills Cycle Center  
Post Office Box 4030  
Pinehurst, NC 28374

HSBC  
Post Office Box 52530  
Carol Stream, IL 60196

North Carolina Employment Security  
Commission  
Post Office Box 26504  
Raleigh, NC 27611-6504

Sandhills Emergency Physicians I  
Post Office Box 48305  
Jacksonville, FL 32247-8305

Internal Revenue Service  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Ocwen Loan Servicing, LLC  
Attn: Managing Agent  
Post Office Box 785057  
Orlando, FL 32878-5057

Sears  
Post Office Box 6283  
Sioux Falls, SD 57117-6283

Law Offices of John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27615

Orchard Bank  
c/o HSBC Card Services  
Post Office Box 81622  
Salinas, CA 93912-1622

Stern and Associates. PA  
415 North Edgeworth Street  
Suite #210  
Greensboro, NC 27401

Litton Mortgage  
24 Greenway Plaza  
#712  
Houston, TX 77046-2408

Paypal Buyer Credit  
Post Office Box 981064  
El Paso, TX 79998-1064

The Home Depot  
Post Office Box 6497  
Sioux Falls, SD 57117-6497

Mark D. Davies  
1697 Calloway Road  
Raeford, NC 28376

PCFS  
4221 International Parkway  
Atlanta, GA 30354

US Attorney's Office  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

US Department of Education  
Post Office Box 5202  
Greenville, TX 75403-5202

US Department of Education  
Post Office Box 13328  
Richmond, VA 23225-0328

US Department of Education  
Direct Loan Servicing Center  
Post Office Box 5609  
Greenville, TX 75403-5609

Wake Supply Company  
Post Office Box 12138  
Raleigh, NC 27605

Wells Fargo Auto Finance  
Post Office Box 29704  
Phoenix, AZ 85038-9704